

## REMARKS

Group I, containing claims 1-15 and 23-29, is drawn to multiplexing a plurality of input channels for generating a quantitative measure of the performance of a statistical remultiplexer. Group II, including claims 16-17, also generates an evaluation metric associated with the time delay of a statistical remultiplexer. Group III, including claims 18-19, is drawn to generating an evaluation metric by determining the number of null packets present in at least a portion of an output compressed bit stream. Group IV, including claims 20-22, is drawn to determining levels of data present in the decoder buffer model fullness.

The restriction requirement states that the inventions of Groups I-IV are distinct. However, Applicant respectfully submits that the claims in each of Groups I-IV relate to evaluating statistical remultiplexer performance. Accordingly, Applicant respectfully submits that the claims of Groups II-IV should be examined with the claims of Group I.

Even if the claims are drawn to patentably distinct or independent inventions, MPEP § 803 provides that “[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.” Although the scope of the claims of Groups I-IV varies and Applicant agrees that the claims are patentably distinct, each of the claims relates to evaluating the performance of a statistical remultiplexer. Accordingly, although it is acknowledged that the inventions of Groups I-IV are patentably distinct, Applicant respectfully submits that it would not unduly burden the examiner to simultaneously examine the claims of Groups I-IV. Therefore, Applicant respectfully submits that Groups I-IV should be examined together.

Should the Examiner have any questions concerning this matter, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,  
BEYER, WEAVER & THOMAS

A handwritten signature in black ink, appearing to read 'Elise R. Heilbrunn', with a long horizontal flourish extending to the right.

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